

From the:
INTERNATIONAL SEARCHING AUTHORITY

To:

CHRYSILOU LAW
15 - 19 Parraween Street
CREMORNE SYDNEY NSW 2090

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing 27 MAY 2004
(day/month/year)

Applicant's or agent's file reference
13168

FOR FURTHER ACTION
See paragraph 2 below

International application No.

PCT/AU2004/000371

International filing date (day/month/year)

24 March 2004

Priority date (day/month/year)

24 March 2003

International Patent Classification (IPC) or both national classification and IPC

Int. Cl. ⁷ F16B 1/00, 21/06, 21/16, B60R 21/16, B64G 1/64

Applicant

TELEZYGOLOGY INC.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☒ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☒ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

24/3/03

3. For further details, see notes to Form PCT/ISA/220.

24/1/05

Name and mailing address of the IPEA/AU

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Box No. I Basis of the opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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Box No. IV Lack of unity of invention

1. ☒ In response to the invitation (Form PCT/ISA/206) to pay additional fees the applicant has:

☒ paid additional fees

☐ paid additional fees under protest

☐ not paid additional fees

2. ☒ This Authority found that the requirement of unity of invention is not complied with and chose not to invite the applicant to pay additional fees.

3. This Authority considers that the requirement of unity of invention in accordance with Rule 13.1, 13.2 and 13.3 is

☐ complied with

☒ not complied with for the following reasons:

1. Claims 1-31 & 41-78 are directed to a fastener including a locking pin movable between locked and release positions, and an actuator of shape memory alloy which is adapted when elongated to cause the pin to move to the release position.. It is considered that the actuator of shape memory alloy which is adapted when elongated to cause the pin to move to the release position comprises a first "special technical feature".
2. Claims 32-40 are directed to a fastener assembly including a bar adapted to engage in a groove in a pin and a connecting means of shape memory alloy which is adapted to change shape and draw the bar out of engagement with the groove.. It is considered that the connecting means of shape memory alloy which is adapted to change shape and draw the bar out of engagement with the groove comprises a second special technical feature.

Since the abovementioned groups of claims do not share any of the technical features identified, a "technical relationship" between the inventions, as defined in PCT rule 13.2 does not exist. Accordingly the international application does not relate to one invention or to a single inventive concept, a priori.

4. Consequently, this opinion has been established in respect of the following parts of the international application:

☒ all parts

☐ the parts relating to claims Nos.

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Box No. V **Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Claims 2-6, 18, 26-31, 33-35, 42-47, 59, 60, 68-73, 75-78	YES
	Claims 1, 7-17, 19-25, 32, 36-41, 48-58, 61-67, 74	NO
Inventive step (IS)	Claims 6, 47, 77, 78	YES
	Claims 1-5, 7-46, 48-76	NO
Industrial applicability (IA)	Claims 1-78	YES
	Claims	NO

Citations and explanations:

D1) US 6508437 Claims 1, 11-17, 19-21, 24, 25, 41, 52-58, 61-63, 66, 67, 74

D2) US 6126115 Claims 1, 7-17, 19-22, 24, 25, 41, 48-58, 61-64, 66, 67, 74

D3) GB 2166185 Claims 32, 36-40

D4) US 6276711

NOVELTY

Claims 1, 7-17, 19-25, 40, 41, 48-58, 61-67, 74:

Citations D1 & D2 disclose all of the features of the claims identified alongside. For example D1 discloses a fastener for releasably securing a first element (16) to a second element (12), including a locking pin (26) movable between a locked position and a release position, the pin having an engageable head, means for engaging the head with the second element, bias means (32, 18) for urging the locking pin to the release position and an actuator (20) comprising shape memory alloy adapted to elongate upon application of appropriate energy to cause the pin to move to the release position.

It is noted that the scope of claims 41-73 are not limited to securing an airbag between a base and a cover, and are therefore anticipated by citation D1 & D2 even though these citations are not directed to such an application.

Claims 32, 36-40:

Citation D3 discloses all of the features of these claims. It teaches a pin (1) having a groove (4), a bar (3) to engage the groove, a connecting means (5) attached to the bar and consisting of shape memory material and adapted to change shape and draw the bar out of engagement with the groove.

(continued on supplemental sheet)

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Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

1. Claims 1, 14, 41 & 55 lack clarity in the definition "bias means urging the locking pin to the release position". According to the description it would appear that the bias means is actually urging the locking pin to the locked position and the actuator acts against this bias means to move the locking pin to the release position.

Supplemental Box

Continuation of: V.2

INVENTIVE STEP

Claims 1, 7-17, 19-25, 32, 36-41, 48-58, 61-67, 74: As above

Claims 2-5, 18, 26-31, 42-46, 59, 60, 68-73:

The features added by these claims are considered common general knowledge in the art and therefore these claims are not inventive.

Claims 33-35:

The features added by these claims are disclosed in citation D4. It would be obvious to a skilled addressee to combine citations D3 & D4 and arrive at the claimed invention. These claims therefore lack an inventive step.

Claims 75-76.

Citation D4 discloses a method of installing an airbag between a base and a cover. It would be obvious to a skilled addressee that the fasteners disclosed in D1 or D2 could be combined with the teachings of D4 and thereby arrive at the claimed invention. These claims therefore lack an inventive step.